IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Application No.520 of 2007

In

Criminal Application No.2060 of 2001

Mahadeo Anna Jadhav Applicant

Vs.

Shripati Hari Patil & ors. Respondents

Ms.Varsha Palav for applicant.

Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 10, 2007.

P.C.

. Heard Ms.Varsha Palav, the learned counsel for the applicant. This is an application for restoration of Criminal Application No.2060 of 2001. The application is filed belatedly and almost after three years. I do not find any reason to condone the delay and allow this application and I set out the reasons for the same as under.

. It is seen that RCC No.258 of 1983 came to be dismissed by the learned Judicial Magistrate, First Class at Islampur vide his order dated 24/2/1999 for non-appearance of the complainant and consequently the accused came to be acquitted for the offences punishable under Sections 193, 196, 199, 209, 465, 471, 108 read with Section 34 of IPC. Criminal Application No.1190 of 1999 came to be filed for seeking leave to appeal under Section 378(4) of Cr.P.C. and the same was dismissed as per the conditional order dated 29/3/2001. Criminal Application No.2060 of 2001 came to be filed for restoration of Criminal Application No.1190 of 1999 which also was dismissed consequent to the conditional order passed on 20/12/2004. The applicant-complainant has thus exhibited his casual attitude in pursuing with the complaint initially and subsequently the applications before this Court. The laxity of the complainant which is writ large on the face of the record cannot be entertained so as to examine the criminal complaint filed in the year 1983 i.e. about 25 years ago. Even in this application a bald statement has been made in support of the condonation of delay caused, that the previous Advocate of the applicant did not inform him about

the objections raised by the office and subsequently the new Advocate engaged had shifted her office in the month of January 2005.

. I am, therefore, satisfied that this application need not be entertained and the same is hereby rejected.

(B.H.MARL